

COMMONWEALTH OF VIRGINIA  
BOARD OF EDUCATION  
RICHMOND, VIRGINIA

May 23, 1996

Business Meeting

**MINUTES**

The Board of Education and the Board of Vocational Education met for the regular business meeting in Conference Rooms D and E of the James Monroe Building in Richmond, Virginia on Thursday, May 23, 1996 with the following members present:

Ms. Michelle Easton, President  
Ms. Lil Tuttle, Vice-President  
Mr. Peter G. Decker, Jr.  
Mr. Rayford L. Harris, Sr.

Mrs. Kay Cole James  
Mr. Robert H. Patterson, Jr.  
Mr. R. Lee Ware  
Mrs. Cheri P. Yecke

Dr. William C. Boshier, Jr.  
Secretary and Superintendent of Public  
Instruction

Ms. Easton, president, presided and called the meeting to order at 9:15 am.

***Invocation and Pledge of Allegiance***

Dr. William C. Boshier, Jr., gave the invocation and led the Board and guests in the Pledge of Allegiance.

***Approval of Minutes***

Mr. Patterson made a motion for approval of the minutes of the meeting of March 28, 1996 and April 24 and 25, 1996. Copies of the minutes had been distributed previously to all members of the Board for review. The motion was seconded by Mr. Ware and carried unanimously.

### ***Approval of Agenda***

The motion was made by Mrs. Tuttle, seconded by Mrs. Yecke, and carried unanimously for approval of the agenda as submitted.

### ***Highlight on Students***

The Richmond Public Schools Harp Ensemble performed for the Board of Education and guests. Schools represented were Huguenot High School and Binford Middle School led by the programs director, Lynnelle Ediger .

### ***Consent Agenda***

Mr. Patterson made a motion to adopt the following items for the consent agenda:

Final Review of Financial Report on Literary Fund  
Final Review of Recommendations Concerning Applications for Literary Fund Loans  
Final Review of Recommendations Concerning Release of Literary Fund Loans for  
Placement on Waiting List

The motion was seconded by Mr. Ware and carried unanimously.

### ***Final Review of Financial Report on Literary Fund***

The Superintendent's recommendation for approval of the financial report on the status of the Literary Fund, as March 31, 1996, was accepted by the Board of Education's vote on the consent agenda.

### ***Final Review of Recommendations Concerning Applications for Literary Fund Loans***

The Superintendent's recommendation for approval of the applications for Literary Fund Loans for the following projects was accepted by the Board of Education's vote on the consent agenda, subject to approval of final plans ( ' 22.1-140 of the *Code of Virginia*) and availability of funds:

County, City or Town	School	Amount
Frederick County	New Stonewall Elementary	5,000,000
Franklin County	Callaway Elementary	765,000
Franklin County	Rocky Mount Elementary	1,000,000
Franklin County	Lee Waid Elementary	1,300,000

County, City or Town	School	Amount
Franklin County	Snow Creek Elementary	250,000
Radford City	Belle Heth Elementary	320,650
Radford City	McHarg Elementary	464,842
King George County	King George Elementary	5,000,000
Campbell County	Leesville Road Elementary	5,000,000
Frederick County	Senseny Road Elementary	3,000,000
Caroline County	Caroline County High	500,000
<b>Total</b>		<b>\$22,650,492</b>

**Final Review of Recommendations Concerning Release of Literary Fund Loans for Placement on Waiting List**

The Superintendent's recommendation that funds be released for the following projects, was approved by the Board of Education's vote on the consent agenda:

County, City or Town	School	Amount
Martinsville City	Martinsville Jr. High	\$5,000,000
Cumberland County	New Elementary School	5,000,000
King William County	Acquinton Elementary	3,250,000
Hopewell City	Woodson Middle	939,000
Hopewell City	Hopewell High	597,000
Hopewell City	P. Copeland Annex	209,000
Hopewell City	Woodlawn Learning	239,000
Powhatan County	New Powhatan Elementary	5,000,000
Frederick County	Redbud Run Elementary	5,000,000
Smyth County	Chilhowie Combined	1,700,000
Smyth County	Chilhowie Elementary	152,000
Smyth County	Marion High	1,620,000
Roanoke County	William Byrd High	3,300,000
Bristol City	Virginia Middle	5,000,000
<b>TOTAL</b>		<b>\$37,076,000</b>

**First Priority Waiting List**

<b>County, City or Town</b>	<b>School</b>	<b>Amount</b>
Frederick County	New Stonewall Elementary	5,000,000
Franklin County	Callaway Elementary	765,000
Franklin County	Rocky Mount Elementary	1,000,000
Franklin County	Lee Waid Elementary	1,300,000
Franklin County	Snow Creek Elementary	250,000
Radford City	Belle Heth Elementary	320,650
Radford City	McHarg Elementary	464,842
King George County	King George Elementary	5,000,000
Campbell County	Leesville Road Elementary	5,000,000
Frederick County	Senseny Road Elementary	3,000,000
Caroline County	Caroline County High	50,000

***Public Comment***

The following individuals spoke during the public comment period:

Jean Shackelford  
Mrs. Ellen Beamon

Will Shaw  
Mr. Vernon Fix

Mr. Jerry O-Dell

***Discussion of Current Issues***

**Prayer**

Mr. Decker stated that he was pleased that prayer was being added to beginning of every meeting.

**Teacher Licensure**

Mrs. Yecke asked for an update on the Teacher Licensure Fee issue. Dr. Bosher stated that a fee structure will be presented to the Board at the next meeting to make Teacher Licensure a self-sustaining enterprise within the agency.

**Technology Resolution**

Mrs. Yecke reintroduced the following resolution presented at the April 24, 1996 meeting and made a motion to adopt the resolution:

**WHEREAS**, the State Board of Education agrees with Thomas Jefferson, who stated that **A**l f a nation expects to be ignorant and free...it expects what never was and never will be;@and that **A**Wherever the people are well-informed, they may be trusted with their own government;@and

**WHEREAS**, the State Board of Education believes that open, honest, and direct communication is the key to a well-informed public; and

**WHEREAS**, the State Board of Education recognizes the need for better and more inclusive communication with parents, members of local school boards, educators throughout the Commonwealth, and the public at large; and

**WHEREAS**, modern technology affords us numerous opportunities for the timely dissemination of important information; and

**WHEREAS**, an overwhelming number of positive comments have been received in response to the letter and information sent from the President of the Board to members of local school boards last month;

**THEREFORE, BE IT RESOLVED that:**

1. The President of the State Board of Education will communicate by letter with all local school boards during those months in which the Board meets.
2. As directed by the President, the State Board of Education will also provide information and be accessible through the establishment of the Board **A**Home Page@on Virginia PEN.
3. The State Board of Education requests the State Superintendent to assist in the  
successful  
implementation  
of these  
efforts  
towards  
improved  
communication.

Mr. Decker seconded the motion to adopt the resolution. The motion carried unanimously.

*Update on Technology for Superintendents' Advisory Committee*

Dr. Boshier reiterated his commitment to having computers with teleconferencing abilities placed in offices, despite recent procurement obstacles.

### **Recognitions**

Dr. Boshier recognized and congratulated James E. Laws, Jr. for receiving his doctorate. Dr. Boshier also offered congratulations and acknowledged that Ida Hill had been recognized by the YWCA for personal achievements, and that JoLynne DeMary had just been recognized as one of the 50 most influential women in the Richmond Metropolitan area.

### **Resolution in Recognition of Ann Oakley**

A resolution plaque and gift were presented by the Board to Ann Oakley for her service to the Board of Education as Executive Secretary to the Board.

## **ACTION ITEMS**

### **Final Review of the Authorization to File the Pre-Notice of Intended Regulatory Action to Begin the Standards of Accreditation (SOA) Revision Process**

Lin Corbin-Howerton presented additional information to the Board on how to proceed with the SOA revisions. Mr. Harris moved that the Board accept the Superintendent's recommendation to file the Pre-NORIA. Mr. Ware remarked that he concurred with the Superintendent, and Mrs. Yecke seconded the motion on the floor. The motion carried unanimously.

### **Discussion of Amendments to the Federal Goals 2000: Educate America Act, and Final Review of the Board's Authority on Direct Local Application for These Funds.**

Dr. Boshier reported that a letter had been sent to Assistant Secretary Gerald Tirozzi at the U.S. Department of Education asking for an extension for the Board to review the amendments to the Goals 2000. Dr. Boshier also stated that the Board needed to review the amendments of Goals 2000 as requested by Governor Allen. Mrs. Kay James proposed the following resolution regarding the evaluation and participation of the Board and State regarding Goals 2000:

### **Resolution on the Goals 2000: Educate America Act**

**Whereas**, the Board of Education has been requested by Governor Allen to evaluate and state its position on participation by the Commonwealth of Virginia and/or its local school divisions in Goals 2000: The Educate America Act (Public Law 103-227) ("Goals 2000") as recently amended by Congress; and

**Whereas**, the recent amendments to Goals 2000 agreed upon by Congress and the President moved the law in the direction of increased protection for state and local autonomy in education as advocated by Governor Allen and members of the Board of Education, through significant concerns regarding Goals 2000's potential impact on such autonomy remain; and

**Whereas**, the Board of Education considers the determination of education policies generally, and reform efforts specifically, to be a matter exclusively within the province of the Commonwealth and its local school divisions, and not properly subject to oversight, control or dictates by the federal government; and

**Whereas**, Virginia's ongoing achievements related to high academic standards and accountability have been, and are being, accomplished through broad-based, bipartisan efforts by the Board of Education, the General Assembly, Governor Allen's administration, and other interested parties, without any federal assistance, intrusion or involvement of any kind; and

**Whereas**, the recent amendments to Goals 2000 appear to authorize the use of Goals 2000 funds for the purchase of classroom computers and related software for instructional purposes, thereby permitting the funds to be used for one-time non-recurring capital costs that (i) would lessen state or local dependence on the new federal funding stream and (ii) would not open the door to federal involvement in the setting or implementation of academic standards; and

**Whereas**, the Commonwealth of Virginia in the last two years has allocated significant new state funds for the acquisition of computers and computer software for instructional purposes, and federal funds could properly be used in furtherance of this initiative if provided on an unconditional block-grant basis; and

**Whereas**, the Board of Education is uncertain whether, under the Goals 2000 law as amended, the U.S. Department of Education is willing or legally able to provide enforceable written assurances of federal noninterference sufficient to render the Goals 2000 program tantamount to a block-grant for the purchase of computer hardware, without federal mandates, restrictions, or intrusion of any kind;

**Now, Therefore, Be It Resolved** that the Board of Education acknowledges the recent improvements to the Goals 2000 law designed to protect state and local autonomy in education, and applauds the strong efforts by Governor Allen and others that produced those improvements; and

**Be It Further Resolved** that extensive, potentially intrusive provisions of the Goals 2000 law remain in place notwithstanding the recent amendments, and the Board of Education is unwilling to approve state or local participation in Goals 2000 until the questions set forth below are answered authoritatively and in writing by the U.S. Department of Education:

1. Could the Commonwealth of Virginia or its local school divisions use all available Goals 2000 funds to acquire classroom computers and software for instructional purposes in connection with the technology initiative proposed by the Governor and approved by the 1996 Session of the Virginia General Assembly?
2. If the Commonwealth of Virginia or its local school divisions apply for, and agree to use, Goals 2000 funds for the sole purpose of acquiring classroom computers and software for instructional purposes, will the U.S. Department of Education execute a written agreement that unconditionally releases the Commonwealth of Virginia and its local school divisions from any obligation to take, continue, or forego any action affecting any aspect of school policies, programs, services, or activities in order to comply with Goals 2000?

**Be It Further Resolved** that, if the U.S. Department of Education provides any response other than an unconditional affirmative response to each of the foregoing questions, the U.S. Secretary of Education is requested to set forth in detail the statutory provisions or policy considerations that preclude such unconditional affirmative response, and is further requested to provide a written response to each of the specific questions set forth in the Appendix to this Resolution.

**Be It Finally Resolved** that a copy of this Resolution shall be sent to the U.S. Secretary of Education for the purpose of obtaining his written response on behalf of the U.S. Department of Education to the questions set forth in this Resolution and Appendix.

## APPENDIX

If the U.S. Department of Education is unable or unwilling to provide the unconditional release described in Question #2 of the attached Resolution, the following information is requested for the purpose of assisting the Virginia Board of Education (ABoard of Education@) in evaluating with care and specificity the federal statutory and administrative restrictions, mandates and other provisions applicable to states and local school divisions receiving Goals 2000 funds:

1. If the U.S. Department of Education contends it is legally unable to provide the unconditional release described in Question #2 of the attached Resolution, please identify each of the statutory provisions that the U.S. Department of Education contends it lacks authority to waive and the resulting legal obligations of participating states or local school divisions.
2. If the U.S. Department of Education contends it is legally able to provide the unconditional release described in Question #2 of the attached Resolution but refuses to do so as a matter of policy, please identify the policy considerations for each such refusal and the resulting legal obligations of participating states or local school divisions.
3. Please state whether the Board of Education may provide that participation in Goals 2000 by the Commonwealth of Virginia or its local school divisions (i) shall be limited to funds available for federal fiscal years 1995 and 1996, and (ii) such participation shall thereafter terminate automatically, without any obligation on the part of the Commonwealth or local school divisions, unless expressly continued or renewed through action by the Board of Education and the Governor.
4. Please state whether the Board of Education may reserve the right to withdraw from the Goals 2000 program at any time by so notifying the U.S. Secretary of Education in writing and reimbursing the U.S. Department of Education for funds received by the Commonwealth of Virginia under the program for the fiscal year in which such withdrawal occurs.
5. If the Commonwealth of Virginia or its local school division were to apply for, and agree to use, all available Goals 2000 funds for the sole purpose of acquiring classroom



computers and software for instructional purposes, please state whether the U.S. Department of Education could and would provide each of the following written and enforceable assurances:

1. The U. S. Department of Education will not, now or in the future, require the Commonwealth of Virginia or its local school divisions to submit any state or local education policies, programs, services, or activities to federal review, federal approval, or federal oversight under Goals 2000 or any other law or regulation.
2. The U.S. Department of Education will not obligate the Commonwealth of Virginia or its local school divisions to coordinate or conform any Virginia or federal education program with any provision of the Goals 2000 law.
3. The U.S. Department of Education will not subject the Commonwealth of Virginia or any of its local school divisions to any administrative or judicial action, whether instigated by the U.S. Government or a private party, to compel reimbursement of the funds or to compel compliance with any provision of the Goals 2000 law.
4. The U.S. Department of Education will not, now or in the future, require the Commonwealth of Virginia or its local school divisions to submit a state or local Improvement plan or any comparable plan or program to the U.S. Department of Education, or to provide assurances to the U.S. Department of Education that any education plan or program in Virginia meets any requirement of the Goals 2000 law.
5. The U.S. Department of Education will not, now or in the future, require the Commonwealth of Virginia or its local school divisions to create any new panel in order to qualify for funds under Goals 2000.
6. The U.S. Department of Education will not, now or in the future, require the Commonwealth of Virginia or its local school divisions to submit the Standards of Learning, locally approved standards, state or local assessments, consequences based on assessments, or any other aspect of their education policies, programs, and reforms to peer review, review by the U.S. Department of Education, or site visits by peers or the U.S. Department of Education.
7. The U.S. Department of Education will not, now or in the future, require the Commonwealth of Virginia or its local school divisions to establish performance standards or assessments for the Standards of Learning, or to establish and implement any form of assessment other than that chosen by the Board of

Education and/or local school boards in the exercise of their responsibilities and discretion under Virginia law.

8. The U.S. Department of Education will not, now or in the future, require the Commonwealth of Virginia or its local school divisions to implement, ~~A~~Outcome-Based Education~~@~~ or any similar policy, program, or reform.
9. The U.S. Department of Education will not, now or in the future, require the Commonwealth of Virginia or its local school divisions to implement, coordinate or expand their education programs in accordance with any ~~A~~School-To-Work~~@~~ programs.
10. The U.S. Department of Education will not, now or in the future, require the Commonwealth of Virginia or its local school divisions to implement, coordinate or expand their education programs with any vocational education programs such as the Carl Perkins Vocational and Applied Technology Act.
11. The U.S. Department of Education will not, now or in the future, require the Commonwealth of Virginia or its local school divisions to modify any licensing or professional development programs.
12. The U.S. Department of Education will not, now or in the future, require the Commonwealth of Virginia or its local school divisions to provide, expand, or consolidate any social services for students and/or parents.
13. The U.S. Department of Education will not, now or in the future, require the Commonwealth of Virginia or its local school divisions to expand, focus, or direct resources to at-risk students, or to modify the definition of at-risk students, except as provided under Virginia law and pursuant to state and local education policies.
14. The U.S. Department of Education will not, now or in the future, require the Commonwealth of Virginia or its local school divisions to participate in student data collection for any state or federal purpose.
15. The U.S. Department of Education will not, now or in the future, require the Commonwealth of Virginia to allocate Goals 2000 funds among local school divisions on a competitive basis, or any basis other than as may be prescribed pursuant to Virginia law.

The motion to adopt the resolution was seconded by Mrs. Yecke. The motion carried with a vote of six ayes and two opposed.

Mr. Harris - Aye

Mrs. Tuttle - Aye

Mrs. James - Aye

Mr. Decker - No

Mr. Patterson - Aye

Ms. Yecke - Aye

Ms. Easton - Aye

Mr. Ware - No

### **Final Review of Guidelines for the Wearing of Uniforms in Public Schools**

Jim Heywood reported that there have been no comments from the Board or the public regarding this issue, and the Superintendent recommended that the guidelines be approved. Mr. Decker made a motion to approve the guidelines. Mrs. Yecke seconded. The motion carried unanimously.

Dr. Boshier requested that the Board proceed with the agenda items in order to adjourn the meeting early after the executive session. The Board agreed to the suggestion.

## ***DISCUSSION ITEMS***

### **Annual Report of the Advisory Board on Teacher Education and Licensure (ABTEL)**

Mimi Dash, Gary Blumenstein, and Kitty Boitnott presented ABTEL's annual report. Three initiatives were outlined with recommendations for each initiative. Initiatives included technology standards for instructional personnel, reduction of licensure endorsement areas, and accreditation of teacher preparation programs. ABTEL recommended that the technology standards be adopted. ABTEL also recommended that Gifted Education be retained as an add on to the Re-education of Licensure Endorsement initiative and outlined reductions in the number of endorsements. ABTEL will make recommendations in the fall regarding the examination of the teacher accreditation programs they are studying. Initiatives for 96-97 school year were outlined and indicated the issues that will continue to be monitored by the ABTEL Board.

### **First Review of the Extra-curricular Activity Sponsorship Contract with School Personnel**

Dr. Boshier recommended that the contract for Extended Responsibilities be accepted by the Board. The only changes to the contract would be to change the words sponsor to employee. The Board accepted the contract as a first reading.

### **NCAA Core Subject Requirements**

Tom Shortt presented the NCAA requirements for core subjects. Mr. Shortt reported that at the NCAA does not recognize the math taken at 8th grade. The Virginia Director of the Virginia High School League has been asked to discuss the issue with the NCAA and share the Board's concerns about the issue.

### ***Executive Session***

Mrs. Yecke made a motion to go into executive session pursuant to *Virginia Code* ' 2.1-344.A.6, to discuss the investing of public funds where competition and bargaining is involved relating to testing and assessment. The motion was seconded by Ms. Tuttle and carried. The Board went into executive session at 12:20 p.m.

Mrs. Yecke made a motion seconded by Mrs. James, and carried unanimously, that the Board reconvene in open session. The Board reconvened at 1:20

Mrs. Yecke made a motion that the Board certify by roll call vote that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive session to which this certification motion applies, and (2) only such public business matters as were identified in the motion convening the executive session were heard, discussed or considered by the Board.

Mr. Harris - Aye

Mrs. Tuttle - Aye

Mrs. James - Aye

Mr. Patterson - Aye

Ms. Yecke - Aye

Ms. Easton - Aye

Mr. Ware abstained from the motion but noted his concurrence with its substance.

### ***DISCUSSION ITEMS***

#### ***13th Annual Report from the Virginia Advisory Committee for the Education of the Gifted***

Joy Baytops presented the report and outlined the activities of the Virginia Advisory Committee for the Education of the Gifted. Ms. Easton stated the Board will review the report, and Mr. Ware expressed appreciation for the Advisory Committee's work.

### ***Adjournment***

There being no further business, Ms. Easton adjourned the meeting of the Virginia Board of Education and the Board of Vocational Education at 1:31 pm.

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President